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Michael Best and Friedrich LLP
100 East Wisconsin Avenue
Suite 3300
Milwaukee, Wisconsin 53202-4108

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|---------------------------------|---|-----------------------------|
| In re Application of: | : | DECISION ON PETITION |
| Udo Heselhaus et al. | : | REGARDING REQUEST TO |
| Application No. 10/580,282 | : | WITHDRAW FINALITY |
| Filed: May 23, 2006 | : | UNDER 37 CFR 1.181 |
| For: VEHICLE ROOF STRUCTURE FOR | | |
| MOTOR VEHICLE | | |

This is in response to the petition filed on April 29, 2008 under 37 CFR 1.181 requesting the withdrawal of the finality of the Office action mailed March 21, 2008 as being premature.

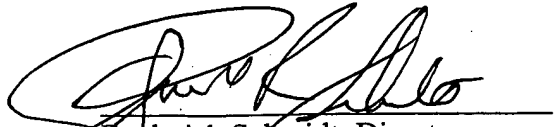
Applicant alleges that the Final rejection mailed March 21, 2008 was premature in accordance with the guidelines of MPEP 706.07(a) "because no amendments to the claims were made since the preliminary amendment, which was filed on May 23, 2006."

A review of the record reveals that since the filing of the petition, an amendment after the Final Office action was filed by Applicant on May 27, 2008. Furthermore, a Notice of Allowance was mailed on September 2, 2008.

Therefore since the Examiner and Applicant agreed on allowable subject matter in the case, Applicant's arguments as to the premature finality are considered moot.

The petition is **DISMISSED** as moot.

Telephone inquiries should be directed to D. Glenn Dayoan, Supervisory Patent Examiner, at (571) 272-6659.


Frederick Schmidt, Director
Patent Technology Center 3600
(571) 272-5150

DGD/snm: 11/05/2009

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